

UNITED STATES DISTRICT COURT
DISTRICT OF NEVADA

LUIS RAUL ESPINOSA CISNEROS,

Petitioner,

vs.

MARIANELA SOLIS LOPEZ, et al.

Respondents.

Case No. 2:16-cv-00057-GMN-CWH

ORDER

Presently before the court is Petitioner Luis Raul Espinosa Cisneros's¹ Amended Petition (ECF No. 4) seeking the return of his children under the Hague Convention on Civil Aspects of International Child Abduction, filed on January 29, 2016. In the Amended Petition, Petitioner adds a new claim for civil conspiracy to interfere with custody against new parties Leopoldo Gaona and Norma Gaona. Attached to the Amended Petition are proposed summonses for Respondents Marianela Solis Lopez, Leopoldo Gaona, and Norma Gaona. (ECF Nos. 4-1, 4-2 & 4-3.) Although Petitioner provides addresses for Leopoldo Gaona and Norma Gaona in the proposed summonses, Petitioner does not provide an address for Marianela Solis Lopez. (*See id.*)

In light of Petitioner's *in forma pauperis* status, the court will order the United States Marshal to serve the summonses and a copy of the Amended Petition on Respondents Leopoldo Gaona and Norma Gaona. *See* Fed. R. Civ. P. 4(c)(3) (stating that the court must order service of the summons and complaint by the United States Marshal if the plaintiff is authorized to proceed *in forma pauperis* under 28 U.S.C. § 1915); 28 U.S.C. § 1915(c) (providing that officers of the court "shall issue and serve all process" when a plaintiff is proceeding *in forma pauperis*). However,

¹ The court previously granted *in forma pauperis* status to Petitioner. (Screening Order (ECF No. 3).)

1 given that the proposed summons to Respondent Marianela Solis Lopez (ECF No. 4-3) does not
2 include an address and therefore does not provide sufficient information for the United States
3 Marshal to serve this Respondent, the court will not order the Clerk of Court to issue the summons
4 or the Marshal to serve the summons at this time. *See Walker v. Sumner*, 14 F.3d 1415, 1422 (9th
5 Cir. 1994) (stating that a plaintiff proceeding *in forma pauperis* must provide to the Marshal “the
6 information necessary to identify the defendant”); *Puett v. Blandford*, 912 F.2d 270, 275 (9th Cir.
7 1990) (stating that a plaintiff proceeding *in forma pauperis* must provide “the necessary
8 information to help [the Marshal] effectuate service”). As stated in the court’s screening order
9 (ECF No. 3), if and when Petitioner notifies the court that he has sufficient information for the
10 Marshal to serve Respondent Marianela Solis Lopez, the court will order that a summons issue and
11 that the summons and petition be served on Respondent Marianela Solis Lopez by the Marshal.

12 IT IS THEREFORE ORDERED that the Clerk of Court must issue the proposed
13 summonses (ECF Nos. 4-1, 4-2) as to Respondents Leopoldo Gaona and Norma Gaona.

14 IT IS FURTHER ORDERED that the Clerk of Court must deliver the summonses for
15 Respondents Leopoldo Gaona and Norma Gaona, along with two copies of the Amended Petition
16 (ECF No. 4), to the United States Marshal for service.

17 IT IS FURTHER ORDERED that within 21 days from the date of this Order, Petitioner
18 Luis Raul Espinosa Cisneros must furnish to the United States Marshal two copies of the required
19 USM-285 form, one for Respondent Leopoldo Gaona and one for Norma Gaona. Within 30 days
20 from receiving from the United States Marshal a copy of the USM-285 form showing whether
21 service was accomplished, Petitioner Luis Raul Espinosa Cisneros must file a notice with the court
22 identifying which Respondents were served and which were not served, if any. If Petitioner wishes
23 to have service again attempted on an unserved Respondent, then Petitioner must file a motion
24 identifying the unserved Respondent(s) and specifying a more detailed name and/or address for the
25 Respondent(s).

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1 IT IS FURTHER ORDERED that Petitioner Luis Raul Espinosa Cisneros must promptly
2 notify the court if and when he has sufficient information for the Marshal to serve Respondent
3 Marianela Solis Lopez with a summons and a copy of the petition.
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5 DATED: February 1, 2016.

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C.W. Hoffman, Jr.
United States Magistrate Judge